

**MINUTES OF THE SPECIAL MEETING OF THE CITY COUNCIL HELD
AUGUST 27, 2003**

Mayor and Council Present: Mayor Byron Anderson, Council Members: Craig Anderson, James Christensen, Justin Linares, and Paul Rupp.

Appointed Officers and Employees Present: City Recorder Wendy Palmer.

Citizens and Guests: Council Candidate Jason Duhon, Council Candidate Gary Pinkham, Attorney Craig Smith, Brian Delahunty, Bruce James, and Jamie Trujillo.

CONSIDERATION OF RECOMMENDATION FROM THE PLANNING COMMISSION ON A MINOR SUBDIVISION FOR CARTER & BURGESS TO DIVIDE THE WAL-MART DISTRIBUTION SITE PARCEL FROM THE MAIN PARCEL: Craig made the motion to approve the minor subdivision for the Grantsville LLC Carter & Burgess. James seconded the motion. All voted in favor, motion carried.

CONSIDERATION OF PETITION FOR ANNEXATION FOR WILLIAMS PROPERTY SOUTH END OF QUIRK AND HALE STREETS: Craig made the motion to accept the amended annexation petition for Betty Williams and Direct that a notice of petition be published and mailed to the affected entities upon certification of the City Recorder. Justin seconded the motion. All voted in favor, motion carried.

CONSIDERATION OF ORDINANCE FOR ZONE CHANGE FROM RM-7 TO CN APPROXIMATELY 550 E. MAIN: James stated that the Planning Commission recommended this zone change with some concern as to how to mitigate the issues that like parking lights, smells and pedestrian traffic. Craig stated that he has been in contact with the proposed new owners and they have presented a property plan that shows the plans for the fencing and parking lights. Craig stated that the new owners intend to install 5' chain link fence with privacy slats on the east and north boundaries. Craig stated that the west neighbor stated at the public hearing that the property owners have agreed to install a fence on the west as well. Craig made the motion to approve the zone change from RM-7 to CN for the 1.66 acres of property at 533 E. Main Street. James seconded the motion. All voted in favor, motion carried.

CONSIDERATION OF APPOINTMENT OF ALTERNATE FOR TAXING ENTITY COMMITTEE: Craig made the motion to appoint Mayor Anderson as the alternate for the Taxing entity committee. Paul seconded the motion. All voted in favor, motion carried.

DISCUSSION AND CONSIDERATION OF ATTACHING SECONDARY WATER RIGHTS TO THE PROPERTY. Justin lead the discussion stating that he felt that the main risk the city is taking at this time is accepting Grantsville Irrigation Company water shares as satisfaction of the secondary water requirement. These shares are given in lieu of paying the outdoor water impact fee. One of the issues is that the water shares have a \$150 annual assessment if the home owner does not pay the \$150 then Grantsville Irrigation Company will sell the irrigation share on the open market. This means that the home owner is now watering their lawns and garden with city water that they have not paid an impact fee for. The other issue is that the home owner gets tight for cash sells the Grantsville Irrigation Share to someone else who may use that same share to offset their outdoor water impact fee. The first owner is now watering with City Water they have not paid an impact fee for and this can go on and on. Grantsville City needs to be on the certificate so that we are notified when the certificates are changing hands. This is the only way to make sure the city gets paid the impact fees for sold or lost water shares. Attorney Craig Smith stated that Grantsville City could handle this situation in a couple of ways. The homeowner can either deed the water share over to Grantsville City or Grantsville City can be the co-owner of the water share. The issue of the \$150.00 water assessment came up as to how the city would be reimbursed for this. It was suggested that the fee be assessed monthly so that when it becomes due the home owner has paid into the assessment fund. These customers would have an additional rate attached to their billing showing secondary water assessment.

The second concern was what leverage would the city have on underground water rights. Currently the city has a water line that extends down a street that is serviced by wells. The wells in this area are going dry. The customers currently use their wells for indoor and outdoor water source. These citizens now want to turn over .45 acre-feet of water to the city but maintain the remainder water right for their outdoor watering needs. How would the city be assured that the remaining outdoor water right is not sold or transferred to another property. Attorney Smith stated that that the city could file a lien on the water right so that if the water right is changed or sold the city would be notified.

Justin made the motion to instruct Attorney Smith to prepare the documents to present to the city for consideration of ordinance change to protect Grantsville city water sources. James seconded the motion. All voted in favor, motion carried.

Attorney Smith asked the Recorder to send him copies of the water ordinance and impact fees.

OTHER BUSINESS: Mayor Anderson explained to the Council that the Groen Brothers Aircraft Manufacturer is still looking to locate in Grantsville. Dave Douglas is assisting in this trying to procure to State School Trust land site.

Mayor stated that he attended a meeting today concerning the State Sales Tax distribution formula. Mayor explained that there have been some new proposals but because the largest cities would lose money it probably wouldn't happen. Small cities would gain revenue because our citizens are traveling to the larger cities to shop.

ADJOURN: James made the motion to adjourn this meeting at 8:30 p.m. Justin seconded the motion. All voted in favor, motion carried.

Wendy Palmer, City Recorder

Byron Anderson, Mayor